

Michigan Supreme Court  
State Court Administrative Office  
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**TO: CHIEF JUDGES, JUDGES, COURT ADMINISTRATORS, AND CLERKS OF  
THE COURT**

**FROM: John D. Ferry, Jr.**

**SUBJECT: SCAO ADMINISTRATIVE MEMORANDUM 1999-05  
Abstracting of Convictions to Secretary of State**

**DATE: May 27, 1999**

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Judges, referees, magistrates, prosecutors, probation agents and law enforcement personnel rely upon the accuracy of a driver's master record to enable them to properly charge, adjudicate and sentence persons violating Michigan law and local ordinance. The Secretary of State (SOS) is currently distributing a chart showing the percentage of abstracts received during 1997 and 1998 that were posted to the driver's record within 30 days. As a result, questions regarding the accuracy and timeliness of conviction abstracts may be raised.

MCL 257.732; MSA 9.2432 requires courts to submit abstracts within 14 days of conviction. MCL 257.320a; MSA 9.2020(1) requires the SOS to apply the conviction to the master driving record within 10 days of receipt. Allowing for transmittal time, the SOS views any record posted within 30 days to be timely, and views any court as having 90% or more of its abstracts posted within 30 days as reporting timely.

An examination of the abstracting process in many courts has identified various reasons why an abstract may not appear on the driving record 30 days or more after conviction. Some of these reasons are listed below:

- High error rate in original abstract submission.
- Failure to resubmit or untimely submission of abstracts rejected on error reports.
- Failure to include driver license number on abstract.
- Entry of wrong date as conviction date, particularly for those offenses which are not reportable until after sentencing.
- Failure to submit any abstract when a Court Ordered Restricted Driver License (CORDL) is issued

- Failure to submit a conviction abstract (when required) before a sentencing abstract.
- Failure to correctly identify whether an alcohol abstract is a conviction abstract or a sentencing abstract.

Court staff should **not** assume they have a vendor problem and courts with low volumes of abstractable offenses should **not** delay submission of abstracts because of only a few cases to report.

Before contacting your vendor for assistance court staff should:

**First:** review internal procedures, focusing on the following areas:

- Which staff have abstracting responsibility, attendance at SOS abstract training, availability of SOS Abstracting Manual, and knowledge of specific requirements by offense type.
- Length of time between actual in-court adjudication and entry of data into a computer system, or for manual courts, between adjudication and manual preparation of abstract.
- Frequency of submission of abstract tapes or paper abstracts to either a processing vendor or directly to SOS.
- Accuracy of conviction date information; most offenses are reportable after conviction/plea, some are reportable after sentencing, and a few are reportable after both events.
- Number of abstracts rejected on error reports.
- Timeliness of reprocessing rejected abstracts.
- Submission of CORDL after conviction abstract.

**Second:**

- Track specific cases from adjudication to the master driving record to determine actual length of time between conviction and posting. For cases which appear to be posted late, identify whether or not the abstract was submitted within 14 days, and whether it appeared on a subsequent error report and corrections were resubmitted promptly.
- Identify if and when the court's abstract batch was received by SOS.

Questions regarding the procedures outlined above should be directed to Sandi Hartnell or Pat Corey-Pulver at (517) 373-7498.

Attached is a chart prepared by the Court Liaison, Peggy Leece, of the Secretary of State providing statistics for each trial court for 1997. Questions related to the chart should be directed to her at (248) 569-3491.